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SUBJECT: NATIONAL CONFERENCE ON DISPLACEMENT

¶1. Summary: On July 8 and 9 the GoI Ministry of Displacement and Migration (MoDM) held its first National Conference to Address Displacement, at which the Minister unveiled the National Policy on Displacement. This policy document has been in the works for four years and the Ministry relied on drafting assistance from UNHCR and the USAID funded International Medical Corps to produce a final version over the past month. While the document was broadly welcomed in Iraq by the humanitarian community, the conference provided a forum for a frank discussion of Iraq's displacement crisis and potential solutions to it. Representatives of Parliament, governorates, local officials, community and religious leaders and several IDPs made impassioned statements about the impact of displacement on the country and some sharp criticism of the government. End Summary.

Introduction of National Policy on Displacement

¶2. The Minister of Displacement and Migration, Dr. Abdul Samad Sultan, Deputy Prime Minister Barham Salih, KRG Foreign Minister Zebari, Deputy Special Representative of the Secretary General David Shearer and UNHCR Representative Daniel Endres all made speeches lauding the process of developing the National Policy, applauding the product itself and hoping this would guide the GOI to find "durable solutions" to the problems of internal and external displacement of some 4 to 5 million Iraqis. Mr. Abdul Khaliq Zangana, the Chairman of the Council of Representatives (CoR) Displacement Committee applauded the Policy itself, but placed greater emphasis on the difficulties of the tasks ahead, that is, actually tackling the very specific, wide ranging and, to date, insurmountable, problems of displacement in Iraq and the inadequacy of MoDM to so far manage these problems. He noted that the mandate to handle this problem is clear, that monies are available to implement solutions and that the MoDM must hire adequate staff and begin their task in coordination with other relevant government ministries. Zangana noted his approaches to the Minister of Finance to obtain \$208m in supplemental funding for the Ministry. But he said that the needs of IDPs and refugees were much greater and called on the GOI to appropriate \$2 billion to assist the displaced.

The National Policy

¶3. Iraq's National Policy on Displacement accepted by the Council of Ministers (CoM) in mid-May, is a general framework. An implementation plan is the next step as a follow-on to this document. The stated policy aim is "to find durable solutions and develop an effective, realistic and comprehensive framework to respond to the needs of displaced persons from emergency to protracted/prolonged displacement." The policy establishes a definition of an Internally Displaced Person (IDP), the various categories of IDPs and the background of how the problem started in Iraq, and international guiding principles on treatment and rights of IDPs

¶4. The Policy explicitly states that it was developed to be consistent with the United Nations' (UN) Guiding Principles on

Internal Displacement and the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons. Further, it states that the GoI's treatment of IDPs will be consistent with International Humanitarian Law, Human Rights Law and the related Guidelines. The Policy includes key elements such as: the responsibility for IDPs, adherence to international obligations, non-discrimination, participation in government, freedom of movement, property rights and human rights. The Policy is aimed specifically at reconciling the sectarian divide that has arisen since 2003. The last two sentences of the Policy addresses this reconciliation, to quote the Policy: "The National Policy on Displacement indicates the major themes, pillars and rights that have to be approved and supported by all stakeholders in order to ensure the development of an Iraqi society that is capable of equally protecting and serving all of its members. Imam Ali once said, 'People are either one of two types: they are either your brethren in faith or your fellow human counterparts.'"

15. Although the Policy does not specifically address Iraqi refugees, UNHCR has told us that the Government has committed to meet the needs of returning refugees in the same manner as it assists returning IDPs.

Reactions and Questions Concerning the National Policy

16. The speeches were followed by testimonies from IDPs noting the personal difficulties they faced as displaced persons and the difficulties of finding adequate solutions to their overwhelming situation. An Iraqi NGO, AMAL, presented a video showing the difficulties faced by several IDP families.

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17. The first day of the Conference concluded with a question and answer session; this provided an opportunity for representatives of the governorates, local communities, religious and community leaders to express their spontaneous and considered opinions on the problems the country faces with one-sixth of its population displaced. Present at the Conference were the governors of Najaf and Diyala provinces, several mayors, a variety of tribal and community leaders and several Shia and Sunni religious leaders. Although most of those asking a question or making a statement offered an endorsement of the MoDM's effort to date they were also very quick to point out shortfalls, inadequacies, overwhelming problems and the difficulties their communities and the country faced in attempting to solve this problem.

18. There were several noteworthy statements during this question and answer session, among them:

- Both Sunni and Shia religious leaders acknowledged that the sectarian divide must be faced and reconciled before an overall solution to the problem of displacement will be found.
- Both Governors and some regional council representative rejected out of hand the idea that local integration would offer any solution to the IDP problem; the OI should focus on return of IDPs to their original place of residence. Some participants went further, saying that IDPs should be forced to return to their original place of residence.
- The Governors, one politely and one bluntly, stated that the policy document was late and was not a plan to help them address pressing displacement issues they face.
- Tribal and religious leaders would have to be engaged and continuously involved in the IDP and refugee problem for it to be solved.
- There was some sharp criticism of the GoI response to the problem to date and the apparent inability of the MoDM to manage the problem.
- It was noted that IDPs are treated differently from one governorate to another and that MoDM should have a stronger leadership role in offering a common country-wide approach to the problem.

National Policy Working Groups

¶9. The second day of the Conference was devoted primarily to four working groups with the following topics to discuss:

- Emergency services and emergency responses to the IDP and refugee situation.
- Property restitution - what is the problem faced and how is this to be resolved?
- Returns - what will allow and facilitate people to return from abroad and from internal displacement?
- Refugees - what is the situation with refugees, what should the role of the GoI be in this regard and how will they be reintegrated?

¶10. The four hour working group sessions defined the problems and put forward recommendations for solutions. Each group had a designated leader from MoDM who made an introductory statement, laid out the topic from MoDM's perspective and then moderated the discussion. At the end of the working group sessions these same group leaders summarized their discussion and recommendations. With the exception of the property working groups, these statements were generally long on delineating the nature of the problems and difficulties in each area and rather vague and not particularly implementation oriented in the recommended solutions offered.

The Property Restitution Working Group

¶11. This began with a discussion about post 2003 IDP properties occupied by squatters. According to a representative from a real estate and property disputes committee, this is a law enforcement issue, not a legal issue that will require MoDM-MoI-MoD coordination (ultimately using force to resolve squatter situation). He proposed a rather straight forward plan:

- Take names from the MoDM registry and survey the displaced persons' properties;
- Share information regarding illegally occupied properties with MoI/MoD in order to evict squatters.
- Use the property survey to account for damaged/destroyed homes belonging to IDPs to give MoDM-backed compensation payments to IDPs in order to help them return and rehabilitate their properties.

¶12. Discussion continued in this area with a member from a "Baghdad Municipal IDP Committee" voicing his plan:

- Assist IDPs seeking to return work through local IDP committees;
- Mandate that IDP committees, working through "Municipal" Council, checks up on the IDPs' homes to ensure they are acceptable for return and advise families if it's safe or not to return.

¶13. The issue of media involvement was discussed at length. Major

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General Abdul Ameer of the 6th Iraqi Army Division, whose unit provides security in the Hurriyah area of Baghdad where there are significant returns, stated that he felt media involvement would be necessary to encourage IDPs to return to safe neighborhoods. The Municipal IDP Committee member reiterated his position to keep the media out. General Ameer supported a plan to establish an inventory of homes belonging to displaced families. According to him, an inventory of homes within the Baghdad security districts exists, and he supports sharing them with Property "Emergency Rooms" throughout Baghdad. The General went on to say that his forces would be ready to carry out evictions but would require the legal authorization to do so. A religious leader from Kirkuk also added that the military should be used to handle evictions. The MoDM representative stated that it's not just about using force, and he went on to share that force alone only creates more displacement.

¶14. The issue was also raised that perhaps compensation payments should be considered for both parties involved, the returning family and the IDP or squatter occupants of the home. That way, returnees would have a monetary incentive to return and squatters would have an incentive to leave without being forced to do so.

¶15. Positive Trends Noted by the Working Group:

- Municipal IDP committees working with returnee families to ensure safe returns;

- Vetting of properties prior to returns;
- Compensation payments for damaged homes;
- Incentive payments to returnees and perhaps to squatters;
- An MoDM representative was on hand to hear and share ideas/concerns with fellow Iraqis and concern against the use of forced evictions.

¶16. Negative Trends Noted by the Working Group:

- The evictions issue still lingers.
- Other than the idea proposed about incentive payments to squatters, there is still no constructive debate about what to do with squatters once they are evicted. It appeared that the push among many contributors is to simply get the squatters out.
- IOM raised the issue of some IDPs not wanting to return from their areas of displacement. Several WG members voiced the idea of "persuading" IDPs to return. When asked what if IDPs still don't want to return after persuasion or incentives, one gentleman proposed that they be persuaded again.

The Refugee Working Group

¶17. The refugee working group discussion focused on:

- Need for GoI communication with and support for refugees
- Need for MoDM to have offices within the countries that have large groups of Iraqi refugees so that communication and assistance can be direct and efficient.
- Refugees will need assistance to transition back to life in Iraq.
- There are groups of refugees that left out of fear of violence but other groups who left because of their connections with the former regime, how will this latter group be handled?

The Returnees Durable Solutions Working Group

¶18. In this working group, the following items were identified as key elements in finding a durable solution for internal and refugee returnees:

- Return of property to rightful owner;
- Political participation of returnees;
- Protection of minorities;
- Improving environmental factors (i.e. marshlands, flooding, pollution, etc.);
- Issuing of certificates to IDPs to verify their identity and circumstances;
- Employment for those returning identified;
- Justice and fairness in the treatment of returnees;
- Education and health care provided;
- Water and sanitation issues managed in areas of return;
- Electricity, communication, infrastructure issues anticipated and managed in areas of return.

¶19. Additional issues that were discussed during this working group:

- The media does not provide sufficient coverage and/or information regarding the situation of IDP's.
- Financial incentives such as zero per cent interest loans should be available to establish businesses.
- IDP's should be classified based on their intentions (i.e. won't return regardless of condition, will return when allowed, etc.) and procedures to handle these groups delineated.
- The psychological impact of displacement must be considered.
- Districts of Iraq should be classified based on level of security for returnees so resources can be allocated correctly.

¶20. Summary. Overall the Conference offered MoDM an opportunity to unveil the National Policy and to explain its workings and goals to

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leaders throughout the country and to the media. UNHCR and IMC worked hand in hand with the MoDM on developing the National Policy. UNOPS organized the Conference. While this National Policy carefully documents the rights and needs of the displaced, the GOI's challenge will be to implement and fund the commitments it makes. UNHCR will provide a summarized report of the conference with a transcript of the key speeches and the outcomes from the working groups in about two weeks. End Summary.

